

Amendment No. 1 to SB2294

Kelsey  
Signature of Sponsor

**AMEND Senate Bill No. 2294**

**House Bill No. 2058**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as "MaKayla's Law".

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

(a) It is an offense for a person to recklessly place, leave, or store a firearm in a location that is readily accessible to a child under thirteen (13) years of age if the firearm:

(1) Is placed or stored for any period of time in a location in which the firearm is not readily accessible to the owner or possessor of the firearm; or

(2) Contains ammunition in the clip, magazine, or chamber, or ammunition for the firearm is in the immediate vicinity of the firearm.

(b) It is an exception to the application of subsection (a) that the firearm:

(1) Was left, placed, or stored while in a condition rendering it incapable of firing either by use of a trigger or other lock or similar device and only the person leaving, placing, or storing the firearm has the ability to remove the lock or other device; or

(2)

(A) Was placed or stored in a secure box or gun safe that is capable of locking;

(B) The box or safe was locked at the time the firearm was placed or stored; and

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(C) Only the person or the person's spouse placing or storing the firearm had the ability to remove the firearm from its secure place of storage or placement.

(c) A violation of this section is:

(1) A Class A misdemeanor if a child under thirteen (13) years of age obtains possession of a firearm left, placed, or stored in violation of subsection (a) but the child does not discharge the firearm or permit another to discharge it;

(2) A Class E felony if a child under thirteen (13) years of age obtains possession of a firearm left, placed, or stored in violation of subsection (a), the child discharges the firearm or permits another to discharge the firearm, and the discharge results in bodily injury to the child or another; and

(3) A Class C felony if a child under thirteen (13) years of age obtains possession of a firearm left, placed, or stored in violation of subsection (a), discharges the firearm or permits another to discharge the firearm, and the discharge results in the death of the child or another.

(d) Nothing in this section shall be construed to preclude prosecution of a person who violates this section under any other applicable section.

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.